

## **BOARD OF CHIROPRACTIC EXAMINERS MINUTES**

DATE: April 15, 2021

TIME: 9:00 AM CST

LOCATION: Iris Conference Room and WebEx  
665 Mainstream Dr, 1<sup>st</sup> Floor  
Nashville TN 37243

MEMBERS PRESENT: Curtis Damien, D.C., President  
Cole Hosenfeld, D.C., Vice-President  
Jason Hulme, D.C., Secretary  
Dale Blackwelder, D.C., Board Member  
Kara Birdwell, D.C., Board Member

STAFF PRESENT: Noranda French, Board Director  
Mary V. Bennett, Board Manager  
Sabrina Craig-Boyd, Board Administrator  
Mark Cole, Associate General Counsel  
Kevin Griffin, Associate General Counsel  
Lori Leonard, Disciplinary Coordinator  
Phillip Hilliard, Administrative Judge  
Lisa Finch, Court Reporter

### **Electronic Notification and Roll Call**

Ms. Noranda French welcomed the members and guest to the meeting with an announcement regarding the electronic transmission. Ms. French continued with a roll call of all board members to confirm that each member could hear and could be heard. All members present confirmed. Dr. Blackwelder made motion to continue with the meeting in an electronic setting and was seconded by Dr. Hosenfeld. Dr. Damien, aye, Dr. Birdwell, aye, Dr. Hosenfeld, aye, Dr. Blackwelder, aye. Dr. Hulme, aye. Motion passed and meeting continued. Ms. French turned the meeting over to Board Chair; and the meeting began at 9:08 am.

### **Ratification of Board Meeting Minutes**

After review of the minutes from the January 28, 2021 meeting, Dr. Hulme made motion to accept the minutes as written. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

## Contested Case Hearing

The April 15, 2021 Chiropractic Board meeting began with a Contested Case hearing for Joshua Chappa DC2867.

This matter came to be heard before the Tennessee Board of Chiropractic Examiners (Board) on the 15th day of April 2021, pursuant to a Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties filed against the Respondent. Presiding at the hearing was the Honorable Phillip Hilliard, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Mark Cole, Associate General Counsel. The Respondent was present by WebEx and was represented by counsel, John Floyd, Sr., of the Nashville, Tennessee, bar. After consideration of the Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

### Finding of Fact

Respondent as been at all times pertinent hereto licensed by the Board as a chiropractor in the State of Tennessee, having been granted license no. 2867 on or about May 14, 2015, and it currently expires January 31, 2022. On February 1, 2018, Respondent's license to practice chiropractic expired without being renewed. Respondent continued to practice chiropractic without a license until September 17, 2019 when he renewed his license. Respondent practiced as a chiropractor in Tennessee unlicensed for approximately nineteen (19) months and seventeen (17) days.

### Reason for Decision

The Board, having jurisdiction over this matter, find the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of TENN. CODE. ANN. § 63-4-114(4)...unprofessional ...conduct for practicing chiropractic on an expired license for nineteen months and seventeen (17) days. The Board takes this action in order to protect the citizens of Tennessee.

### **THEREFORE, it is ORDERED as follows;**

Respondent's license to practice as a Chiropractic Physician in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN §§ 63-4-114, shall be and is hereby **REPRIMANDED**. The Board finds that in assessing civil penalties pursuant to these rules it believes the factors set forth in Rule 026-0215 Section (4) Civil Penalties, (d) Procedures for Assessing Civil Penalties. Section (i)-(v) should apply in this particular case only. The Board finds that the evidence presented warrants a reduction in the civil penalty to three thousand five hundred dollars (\$3,500). This reduction is consistent with the regulations governing the chiropractic profession and will only be applied on a case by case basis and does not carry any precedence whatsoever. Civil Penalties shall be paid in full within twelve (12) months from issuance of the Assessment of Costs. Respondent shall pay the costs of this action pursuant to TENN. CODE §§ 63-41-116(i) and 63-1-144 and TENN. COMP. R. & REGS. 0260-02-.15. These Assessment of Costs shall not exceed four thousand dollars (\$4,000) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

Dr. Hosenfeld made motion to approve order as presented. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. Motion passed.

### **Consent Order Jason Keller**

Mr. Cole presented the Board with a signed consent order for Jason T. Keller, DC1516.

#### **Stipulation of Fact**

Respondent is licensed by the Tennessee Board of Chiropractic Examiners as a chiropractor in the State of Tennessee, having been granted license no. 1516 on or about December 29, 1998, and currently expires February 28, 2022. On or about January 31, 2018, Respondent's license to practice expired and Respondent continued to practice without a license until September 10, 2020, a period of thirty-two (32) months. The facts stipulated constitute a violation of TENN. CODE ANN. § 63-4-114: Immoral, unethical, unprofessional, or dishonorable conduct.

#### **Order**

Therefore, the Board **ORDERS** and the Respondent **AGREES** to the following:

The Tennessee Chiropractic License of Jason T. Keller, DC, license number 1516 is hereby **REPRIMANDED**. Respondent is assessed thirty-one (31) Type B Civil Penalties in the amount of five hundred dollars (\$500.00) each, for a total of fifteen thousand five hundred dollars (\$15,500.00), in accordance with TENN. COMP. R.&REGS. 0260-02-15(4)(d)(2) and shall be paid in full within twenty-four (24) months from the effective date of this Order. Respondent must pay the actual and reasonable costs of prosecuting this case, pursuant to TENN. CODE ANN. §§ 63-4-115 (i) and 63-1-144 and Rule 0260-02-.15(7) of the TENN. COMP. R & REGS., to the extent allowed by law. These costs will be established by and Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed five hundred dollars (\$500.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of the Order shall separately be valid and enforceable to the fullest extent permitted by law. Respondent understand that this discipline and civil penalty are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

Dr. Hosenfeld made motion to accept the consent order as presented. Dr. Hulme seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

### **Consent Order Bridgette Orr**

Mr. Cole presented the Board with a signed consent order for Bridgette Orr, DC3079

#### **Stipulation of Fact**

Respondent is licensed by the Tennessee Board of Chiropractic Examiners as a chiropractor in the State of Tennessee, having been granted license no. 3079 on or about January 22, 2018, and it currently

expires April 30, 2021. On or about April 30, 2019, Respondent's license to practice chiropractic expired, and Respondent continued to practice without a license until January 16, 2020, a period of nine (9) months.

### Order

Therefore, the Board **ORDERS** and the Respondent **AGREES** to the following:

The Tennessee Chiropractic License of Bridgette Orr, DC, license number 3078 is hereby **REPRIMANDED**. Respondent is assessed eight (8) Type B Civil Penalties in the amount of five hundred dollars (\$500.00) each, for a total of four thousand dollars (\$4000.00) in accordance with TENN. COMP. R.&REGS. 0260-02-15(4)(d)(2) and shall be paid in full within twelve (12) months from the effective date of this Order. Respondent must pay the actual and reasonable costs of prosecuting this case, pursuant to TENN. CODE ANN. §§ 63-4-115 (i) and 63-1-144 and Rule 0260-02-.15(7) of the TENN. COMP. R & REGS., to the extent allowed by law. These costs will be established by and Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed five hundred dollars (\$500.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of the Order shall separately be valid and enforceable to the fullest extent permitted by law. Respondent understand that this discipline and civil penalty are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency

Dr. Hosenfeld made motion to accept the consent order as presented. Dr. Hulme seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

### Office of General Counsel Report

Mr. Mark Cole with the Office of General Counsel presented the OGC Report. Mr. Cole reminded all board members of the Conflict of Interest in regards to sitting board members. It is the duty of this board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

### Litigation

The Office of General Counsel currently has eight (8) open disciplinary cases on eight (8) chiropractors pertaining the Board of Chiropractic Examiners.

Two (2) consent orders to be presented to the board. One (1) contested case set before the board.

### Rules

There are two (2) sets of Rules that are in process. The first is the CTA/CXT rules. They are in process. The DC Rules are in process.

### **Office of Investigations Report**

Ms. Lori Leonard presented the board with the office of investigations report as follows.

### **Board Statistical Report for 2021-Chiropractic Physicians**

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	16
Total Closed Complaints	9
Closed Insufficient	1
Closed, BIV, EMS, HCF, AW	1
Complaint Closed	4
Closed Ltr of Concern	2
Closed Warning Letter	1

#### Analysis of Newly Opened by Allegation

Fraud/False Billing	2
Sexual Misconduct	1
Unprofessional Conduct	8
Lapsed License	1
Practice Beyond the Scope	1
COVID 19	3

### **Board Statistical Complaint Report for 2021-Chiropractic Therapy Assistants**

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	4
Total Closed Complaints	9
Complaint Closed	9
Currently Open Complaints	

<u>Analysis of Newly Opened Complaints</u>	<u>YTD</u>
Unlicensed Practice	4

### **Board Statistical Complaint Report for 2021- Chiropractic X-Ray Technologist**

<u>Complaint Activity</u>	<u>YTD</u>
New Complaints Opened	0
Total Closed Complaints	1

#### Analysis of Newly Opened Complaints

None-

## **Summary of Currently Monitored Practitioners**

### Chiropractic Physicians

Reprimand	5
Probation	3
Suspension	1
Revoked	3

There are no CTA's or CXT's being monitored at this time.

This concludes the Office of Investigations Report

### Division of Health Licensure and Regulation

Matthew McSpadden was present to give the Division of Health Licensure and Regulation Mid-Year 2021 Financial Report.

See chart below.

**Tennessee Board of Chiropractors**  
**Actual Revenue and Expenditures**  
**for Fiscal Year ending June 30, 2021**

<b>Acct. Code</b>	<b>Description</b>	<b>FY2021 Projected</b>	<b>FY2021 Actual</b>	<b>FY2020</b>	<b>FY2019</b>
701	Salaries & Wages	\$ 72,303.46	\$ 36,151.73	\$ 67,725.17	\$ 46,630.21
702	Employee Benefits	\$ 27,907.16	\$ 13,953.58	\$ 21,508.07	\$ 13,735.48
<b>Payroll Expenditures (701-702)</b>		<b>\$ 100,210.62</b>	<b>\$ 50,105.31</b>	<b>\$ 89,233.24</b>	<b>\$ 60,365.69</b>
703	Travel	\$ 370.36	\$ 185.18	\$ 6,349.79	\$ 10,141.24
704	Printing & Duplicating	\$ -	\$ -	\$ -	\$ -
705	Utilities & Fuel	\$ -	\$ -	\$ -	\$ -
706	Communications	\$ 1,577.94	\$ 788.97	\$ 3,909.20	\$ 1,026.78
707	Maintenance & Repairs	\$ -	\$ -	\$ -	\$ -
708	Prof. Svc. & Dues	\$ 8,345.68	\$ 4,172.84	\$ 5,496.68	\$ 26,518.78
709	Supplies & Materials	\$ -	\$ -	\$ 656.80	\$ -
710	Rentals & Insurance	\$ -	\$ -	\$ -	\$ -
711	Motor Vehicle Ops.	\$ -	\$ -	\$ -	\$ -
712	Awards & Indemnities	\$ -	\$ -	\$ -	\$ -
713	Grants & Subsidies	\$ -	\$ -	\$ -	\$ -
714	Unclassified	\$ -	\$ -	\$ -	\$ -
715	Stores for Resale	\$ -	\$ -	\$ -	\$ -
716	Equipment	\$ -	\$ -	\$ -	\$ -
717	Land	\$ -	\$ -	\$ -	\$ -
718	Buildings	\$ -	\$ -	\$ -	\$ -
721	Training of State Employees	\$ -	\$ -	\$ 295.00	\$ 2,245.00
722	Computer Related Items	\$ 286.36	\$ 143.18	\$ -	\$ -
725	State Prof. Svcs.	\$ 10,298.00	\$ 5,149.00	\$ 6,924.89	\$ 6,138.66
<b>Total Other Expenditures (703-725)</b>		<b>\$ 20,878.34</b>	<b>\$ 10,439.17</b>	<b>\$ 23,632.36</b>	<b>\$ 46,070.46</b>
<b>Total Direct Expenditures</b>		<b>\$ 121,088.96</b>	<b>\$ 60,544.48</b>	<b>\$ 112,865.60</b>	<b>\$ 106,436.15</b>
<b>Allocated Expenditures</b>					
	Administration	\$ 15,912.38	\$ 7,956.19	\$ 15,282.86	\$ 14,080.64
	Investigations	\$ 26,353.87	\$ 13,176.94	\$ 74,642.56	\$ 53,589.04
	Legal	\$ 56,111.63	\$ 28,055.82	\$ 53,824.54	\$ 67,788.77
	Cash Office	\$ 417.17	\$ 208.58	\$ 504.12	\$ 875.50
<b>Total Allocated Expenditures</b>		<b>\$ 98,795.05</b>	<b>\$ 49,397.53</b>	<b>\$ 144,254.08</b>	<b>\$ 136,333.96</b>
<b>Total Expenditures</b>		<b>\$ 219,884.01</b>	<b>\$ 109,942.01</b>	<b>\$ 257,119.68</b>	<b>\$ 242,770.11</b>
<b>Board Fee Revenue</b>		<b>\$ 313,170.19</b>	<b>\$ 156,585.10</b>	<b>\$ 263,500.64</b>	<b>\$ 228,905.26</b>
<b>Current Year Net</b>		<b>\$ 93,286.18</b>	<b>\$ 46,643.09</b>	<b>\$ 6,380.96</b>	<b>\$ (13,864.85)</b>
<b>Technology Improvements</b>					
	LARS Improvements	\$ 2,465.30	\$ 1,232.65	\$ 646.66	\$ 3,091.37
	Visual Investigator	\$ 420.59	\$ 210.29	\$ 13,923.67	\$ -
<b>Total Technology Improvements</b>		<b>\$ 2,885.89</b>	<b>\$ 1,442.95</b>	<b>\$ 14,570.33</b>	<b>\$ 3,091.37</b>
<b>Cumulative Carryover</b>		<b>\$ 672,535.41</b>	<b>\$ 582,135.12</b>	<b>\$ 528,745.60</b>	<b>\$ 536,934.98</b>

## **Applicant Interviews**

**James Reichert** appeared before the board for the second time to request reconsideration of decision made in January. January 2021, the board required Dr. Reichert to complete a TMF Evaluation before licensure would be considered. Dr. Hosenfeld made motion to uphold the boards original decision and require a TMF evaluation before licensure would be considered. Dr. Blackwelder seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Amaya Hernandez-** Ms. Hernandez appeared before the board to request acceptance of her late CTA application. Dr. Blackwelder made motion to accept the late application and issue license. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Sarah Johnson-** Ms. Johnson appeared before the board to request acceptance of her late CTA application. Dr. Blackwelder made motion to accept the late application and issue license. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Abraham Kiggins-** Mr. Kiggins appeared before the board to request acceptance of his late CTA application. Dr. Blackwelder made motion to accept the late application and issue license. Dr. Hosenfeld seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Heather Watkins-** Ms. Watkins appeared before the board to request acceptance of her late CTA application. Dr. Blackwelder made motion to accept the late application and issue license. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**Charles Via DC-**Dr. Via appeared before the board due to recent conviction noted on his renewal application. **Tenn. Comp. R. & Regs. 0260-02-.09 (3)** requires that licensure renewal and reinstatement applications shall be treated as licensure application and review decisions shall be governed by this rule. **Tenn. Comp. R. & Regs. 0260-02-.07 (10)(a)** allows the board to interview applicants, who by virtue of any criteria for licensure in the area of mental, physical, moral, or educational abilities as contained in the application and review process indicates derogatory information or a potential risk to the public health, safety and welfare. Dr. Via's renewal was approved under suspension and granted a Tennessee license to practice as a Chiropractic Physician, **contingent** upon Dr. Via obtaining and successfully completing an evaluation by the Tennessee Medical Foundation (TMF) before July 2021 and if suggested by TMF, maintain their advocacy for the duration to be determined by TMF. Dr. Via is scheduled to appear at the July 15, 2021 Tennessee Board of Chiropractic Examiners Board meeting with a representative from the TMF. Once Dr. Via has obtained advocacy, his license may be put on probation in accordance to TMF recommendations. Dr. Hosenfeld made motion to approve renewal with above noted contingency. Dr. Hulme seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

### **Ratification**

Dr. Hosenfeld made motion to accept the ratification list of Newly Licensed Chiropractic Physicians, CTA's, CXT's, reinstated Chiropractic Physicians, CTA's, CXT's, temporary licenses, and closed files as listed. January 16, 2021-April 9, 2021. Dr. Blackwelder seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

#### **Newly Licensed Chiropractic Physicians**

Burkhead, Tamara  
Champion, Heather  
Cho, Elizabeth  
Deeter, Ashley  
Duarte, Aimee  
Dykes, Gregory  
Elgatian, Brittney  
Ellwanger, George  
Finley, Courtney  
Fano, Robert  
Fultz, Colin  
Goff, Russell  
Grillo, Dean  
Kemp, Shelby  
Kimble, Amari  
Koeller, Peter  
Kuhar, Craig  
McQueary, Dustin  
Morris, Rodney  
Neff, Garrett  
Richerson, Amanda  
Steiner, Christopher  
Steward, Brittany  
Steward, Walter  
Topel, Christopher  
Trabue, William  
Vaughn, Ella  
Washington, Earnicia

#### **Reinstated Chiropractic Physicians**

Ellen, Joe  
Proetta, Michael  
Smith, Matthew  
Wilson, Shane

#### **Newly Licensed Chiropractic Therapy Assistants**

Batson, Rayna  
Cook, Beth  
Eichorn, Alexis  
Gaertner, Kelsey  
Gordon, Anna  
Hughes, Chris  
Shrader, Amy  
Rae, Murlana  
Street, Mollie

#### **Newly Licensed Chiropractic X-Ray Technologist**

Adams, Charles  
Bartlett, Peyton  
Lefort, Erin  
Mace, Tiara  
Overby, Abigayle  
Tobin, Sarah  
Treese, Janet  
Garrison, Lindsey

#### **Reinstated Chiropractic Therapy Assistants**

Jones, Allison  
Overby, Abigayle  
Thompson, Adah

Temporary/Extern

Roberts, Zachariah -new  
Fee, John -extended  
Hendrickson, Wesley- extended

Closed Applications

Morgan, Jared- DC  
Leneair, Chy'enne - CTA  
Shrader, Amy - CXT

**Administrative Report**

Ms. Sabrina Craig-Boyd, Board Administrator, presented the Administrative Report for January 16, 2021- April 9, 2021.

**BOARD OF CHIROPRACTIC EXAMINERS  
ADMINISTRATOR REPORT  
April 15, 2021**

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This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Chiropractic Examiners.

**STATISTICAL DATA**

As of April 9, 2021, the Board of Chiropractic Examiners has 1342 active Chiropractic Physicians, 401 Chiropractic Therapy Assistants, and 123 Chiropractic X-Ray Technologists.

**LICENSURE STATUS TOTALS FROM THE MONTHS OF  
January 16, 2021 – April 9, 2021**

<b>CHIROPRACTIC PHYSICIAN</b>	
Total applications received – 180	
New licenses issued – 34	Renewal Total – 108
Reinstatements – 4	Online Renewals – 77
Temp Licenses/Externships – 1new/2ext	Paper Renewals – 31
Licenses Retired – 5	
Failed to Renew/Expired Licensees – 7	
New Acupuncturist- 0	
<b>CHIROPRACTIC THERAPY ASSISTANT</b>	
Total applications received – 65	
New licenses issued – 9	Renewal Total – 30
Reinstatements – 3	Online Renewals – 22
Licenses Retired – 6	Paper Renewals – 8
Failed to Renew/Expired Licensees – 16	

<b>CHIROPRACTIC X-RAY TECHNOLOGIST</b>	
Total applications received – 27	
New licenses issued – 8	Renewal Total – 7
Reinstatements – 0	Online Renewals – 4
Licenses Retired – 3	Paper Renewals – 3
Failed to Renew/Expired Licensees – 3	

**For this reporting period, the usage rate for utilizing the online renewal portal for Chiropractic Physicians is 71%, Chiropractic Therapy Assistants, 73% and, Chiropractic X-Ray Technologists, 57 %.**

### **Upcoming Board Meeting Dates**

July 15, 2021  
 October 21, 2021  
 January 27, 2022  
 April 21, 2022  
 July 21, 2022  
 October 20, 2022

### **INTERNET**

The Board’s internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <https://www.tn.gov/health/health-program-areas/health-professional-boards/chiro-board.html> . Should you have any suggestions or comments, please feel free to contact the Board at 615.741.3807 or [unit2hrb.health@tn.gov](mailto:unit2hrb.health@tn.gov).

### **Agreed Citations**

Ms. Noranda French presented the board with the following agreed citations.

- 1. Allison Jones CTA-** Ms. Jones was issued an agreed citation for failure to renew her license and practiced on an expired licensed for approximately (5) months, beginning September 1, 2020 to on or about January 7, 2021. Ms. Jones has paid the \$500 fine and agreed to the terms of the citation. Dr. Hulme made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.
- 2. Michael Proetta DC-**Dr. Proetta was issued an agreed citation for failure to renew his license and practiced on an expired license for approximately (2) months, beginning December 1, 2020 to on or about January 8, 2021. Dr. Proetta has paid the \$1000 fine and agreed to the terms of the citation. Dr. Hulme made motion to accept the agreed

citation as presented. Dr. Blackwelder seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

- 3. Michael Wilson DC-**Dr. Wilson was issued an agreed citation for failure to renew his license and practiced on an expired license for approximately (1) month, beginning December 1, 2020 to on or about December 28, 2020. Dr. Wilson has paid the \$500 fine and agreed to the terms of the citation. Dr. Hulme made motion to accept the agreed citation as presented. Dr. Blackwelder seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

### **Correspondence**

**Matthew McCoy-** Request for information regarding recent policy changes adopted by the board. Ms. French to respond with cited articles of consideration from Dr. Hosenfeld.

**Charles Vaden-** Request board to expunge disciplinary action on his license from 2016. Current state policy does not allow for removal of disciplinary actions on a license.

### **Discussion of Old and New Business**

Due to time constraints Old and New Business items, A, B, and C have been tabled to the July 15, 2021 Board meeting.

Item D. Policy Statement on Public Chapter 357

## **POSITION STATEMENT TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS**

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### **PUBLIC CHAPTER 357**

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Tenn. Code Ann. §63-18-105 (c) Notwithstanding the requirements of this part, no establishment license is required for the office of a physician licensed under chapter 4, 6, or 9 of this title of a massage for compensation is provided within that office by a licensed massage therapist. This statute went into effect May 10<sup>th</sup>, 2019 and states that a massage establishment license is no longer required for the office of a licensed medical doctor, osteopathic doctor, or doctor of chiropractic if a massage for compensation is provided within that office by a licensed massage therapist.

1. To qualify as a Chiropractic Office, chiropractic service must be the primary treatment at said facility.

2. If Massage services are provided to the public outside of the Chiropractic Office, an establishment license may still be required for the Licensed Massage Therapist according to the Tennessee Board of Massage Therapy rules.
3. Massage Therapists providing massage services in Chiropractic Office must uphold to all ethical standards at all times in accordance to the Tennessee Massage Licensure Act. In addition, the Chiropractic Office must maintain a current copy of the active license of all Massage Therapist providing services in said facility.

It is recommended that Chiropractic Physicians complete a one-time 2 hour TN Massage Law Course in addition to their regular required continuing education when collaborating healthcare services to insure that all ethical practices are being met.

A licensed Massage Therapist who works in a Chiropractic Physician's office either offering massage services to the patients of said office, or to their own cliental while in the office are no longer required to have a massage establishment license in the state of Tennessee.

**Adopted by the Board of Chiropractic Examiners on this the \_\_\_ day of \_\_\_\_\_, 2021.**

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**Curtis Damien, Chairperson  
Board of Chiropractic Examiners**

Dr. Blackwelder made motion to accept the proposed policy statement as written. Dr. Birdwell seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

With no other business to discuss, Dr. Blackwelder made motion to adjourn. Dr. Hosenfeld seconded the motion. Dr. Birdwell, aye, Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

**MINUTES OF THIS MEETING WERE RATIFIED AT THE JULY 15, 2021 BOARD MEETING**